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Attorneys for Defendant  
J.P. SAMARTZIS MARITIME ENTERPRISES CO., S.A.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

DAVID MOTON,

Plaintiff,

vs.

HANJIN SHIPPING; J.P. SAMARTZIS  
MARITIME ENTERPRISES CO., S.A.

Defendants.

Case No.: 07-01483-SI

**STIPULATION TO EXTEND  
DEADLINE TO COMPLETE  
MEDIATION; [PROPOSED] ORDER**

1<sup>ST</sup> Am. Complaint Filed: May 7, 2007  
Case Mgmt. Conf.: September 22, 2008  
Trial: March 2, 2009

Plaintiff DAVID MOTON (herein "Plaintiff") and Defendant J.P. SAMARTZIS  
MARITIME ENTERPRISES CO., S.A. (herein "Defendant") (collectively "the Parties") hereby  
stipulate as follows:

1. Plaintiff alleges that he was injured on September 10, 2004 during unloading of  
the vessel M/V HANJIN KAOHSIUNG in the Port of Oakland at Berth 56. Plaintiff was  
employed as a foreman by the terminal operator, Marine Terminals Corporation ("MTC").  
Defendant was the operator/manager of the vessel at the time of the accident. The vessel was  
time chartered by Hanjin Shipping. Hanjin is no longer a party to this action.

1           2.       Plaintiff's First Amended Complaint was filed on May 7, 2007.

2           3.       Defendant first appeared in this action by filing an Answer on February 19, 2008.

3           4.       On March 31, 2008 this Court issued a Case Management Order whereby the  
4 Parties were ordered to complete their ADR session (private mediation) by **August 29, 2008**.

5           5.       The mediation is scheduled with John McGlynn of JAMS for August 29, 2008.

6           6.       A further case management conference is set for September 22, 2008.

7           7.       Trial is set for March 2, 2009.

8           8.       The Parties are in the process of conducting written discovery and scheduling  
9 depositions.  
10

11           9.       Plaintiff's deposition is scheduled for August 18, 2008 (it could not be scheduled  
12 earlier because counsel for the Parties had other obligations, including trials). Other essential  
13 non-party witness depositions are presently being scheduled for the week of August 25, 2008,  
14 although these depositions may or may not go forward as planned depending on the witnesses'  
15 schedules.  
16

17           10.      The Parties will not be able to complete these depositions in time to meaningfully  
18 participate in the mediation as presently scheduled.

19           11.      Due to the above issues and the Parties' own scheduling conflicts, the Parties  
20 anticipate that they will not be able to complete the necessary depositions and additional written  
21 discovery until October 2008.  
22

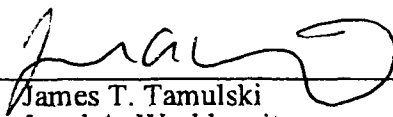
23           12.      Accordingly the Parties request that the Court enter an Order extending the date  
24 for the Parties to complete the ADR session from August 29, 2008 until **October 31, 2008**.

25           13.      Extending the date for the Parties to complete the ADR session will not impact  
26 any other deadline set by the Court in this case.  
27  
28

1 DATED: August 14, 2008

EMARD DANOFF PORT TAMULSKI & PAETZOLD LLP

2  
3 By

  
James T. Tamulski  
Jared A. Washkowitz


Attorneys for Defendant

J.P. SAMARTZIS MARITIME ENTERPRISES CO., S.A.

4  
5  
6  
7 DATED: August 14, 2008

BIRNBERG & ASSOCIATES

8  
9 By

  
Cory A. Birnberg  
Attorneys for Plaintiff DAVID MOTON

10  
11  
12 **[PROPOSED] ORDER**

13 The above Stipulation is approved. The Parties shall complete the ADR process by

14  
15 **October 31, 2008.**

16 Dated: \_\_\_\_\_

  
HON. SUSAN ILLSTON